



DAC #8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Scott Thorman et al.

Serial No.: 09/597,069

Filed: 19 June 2000

(Atty. Ref. 15301-US)

For: A CLEANING DEVICE FOR A MOWER CUTTING CHAMBER

Moline, IL 61265

30 November 2000

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DEC 12 2000

Renewed Petition under 37 C.F.R. § 1.10(c)

OFFICE OF PETITIONS

The Honorable Commissioner

of Patents and Trademarks

Washington, D.C. 20231

Sir:

This is a request for reconsideration of the 8 November 2000 decision denying applicants' 14 September 2000 request to correct a filing date discrepancy under 37 C.F.R. § 1.10 for the above referenced patent application, serial number 09/597,069.

The application was accorded a filing date of 20 June 2000. The correct filing date was 19 June 2000, and this Renewed Petition requests that that date be accorded applicants' patent application.

The rule governing this request is as follows:

37 C.F.R. § 1.10 Filing of correspondence by "Express Mail."

(a)...

(b)...

(c) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in", and of any other official notation by the USPS relied upon to show the date of deposit.

(d)...

In the 8 November 2000 decision dismissing applicants' petition to correct the filing date, the office stated that the petition lacked a true copy of the Express Mail mailing label as required under 37 C.F.R. § 1.10(c)(3) above.

The US Postal Service did not return the mailing label for the Express Mail package within which the instant patent application was sent to the U.S. Patent and Trademark Office to Deere & Co. as required, see attached declaration of Deere & Co. Mail Service Coordinator Vickie Jo Lowery identified as Exhibit 1. Accordingly, applicants can not provide the original express mailing label.

Applicants note that under 37 C.F.R. § 1.10(c), that when there is a discrepancy between the filing date accorded by the office and date of deposit, an applicant can show that discrepancy by either:

"the date-in", on the "Express Mail" mailing label, or
"other official USPS notation".

Applicants' are providing herewith:

1. A copy of the patent application transmittal letter, labeled Exhibit 1, mailed on 19 June 2000 which bears the certification that it was deposited with the US Postal Service "Express Mail Post Office to Addressee" on the 19th of June 2000, and

2. A declaration from Vickie Jo Lowery, Deere & Co. Mail Service Coordinator, labeled Exhibit 2, to establish that the patent application was mailed on 19 June 2000 by Express Mail and having the "Express Mail" mailing label sticker "EL213164480US, that the U.S. Postal Service did not return the "Express Mail" mailing label to Deere & Co., that the U.S. Postal Service does not have and can not provide Deere & Co. with a copy of the "Express Mail" mailing label and that the U.S. Postal Service official Mail Tracking & Delivery Confirmation web-site (<http://www.framed.usps.com/cgi-bin/cttgate/ontrack.cgi>) confirmed on 14 November 2000 that "Express Mail" package identified as EL213164480US" was delivered at 10:30 am on 20 June 2000 to Arlington VA, 22202, the city and zip code to which new patent applications are sent by Express Mail.

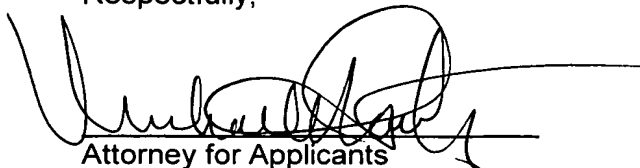
Applicants submit that these materials establish that that the express mail package EL213164480US containing the patent application referenced above and assigned serial number 09/597,069 was deposited with the U.S. Postal Service on 19 June 2000 and actually delivered to the U.S. Patent and Trademark Office on 20 June 2000.

Accordingly, it is respectfully requested that the above identified patent application be

accorded a filing date of 19 June 2000 rather than the presently accorded filing date of 20 June 2000.

Any fees or charges required due as a result of filing the present paper can be charged against Deposit Account 04-0525. Two duplicate copies of this page are enclosed.

Respectfully,



Attorney for Applicants

Michael C. Hlavaty
Reg. No. 27,446
Deere & Company
Patent Department
John Deere Road
Moline, IL 61265
(309) 765-4232

MCH/jk

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed to: Commissioner of Patents and
Trademarks, Washington, DC 20231, on 30 November 2000
Date

Deere & Company

Judy Kanne 30 November 2000
Signature Date

19 June 2000

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Transmitted herewith for filing is a patent application for:

Title: A CLEANING DEVICE FOR A MOWER CUTTING CHAMBER

Inventor(s): Christopher Scott Thorman
Ronald Paul Holland

Enclosed are:

- (X) The application and combined declaration and power of attorney (unsigned).
- (X) 7 sheet(s) of informal drawings.
- () An assignment of the invention to Deere & Company, a Delaware corporation.
- () A certified copy of application No. , filed in (or designating) . The right of priority to the filing date of said application is hereby claimed.
- (X) A disclosure statement.

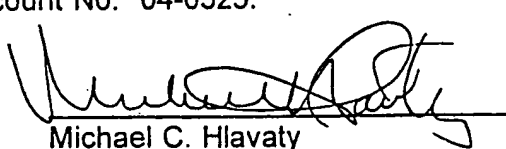
CLAIMS AS FILED

	Number	Allowance	Extras	Fee
Total claims	54	20 =	34	612.00
Independent claims	4	3 =	1	78.00
Basic fee				690.00
Total filing fee				1,380.00
Assignment fee				0.00
Total fees				1,380.00
Please charge Deposit Account No. 04-0525 for:				1,380.00

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16, 1.17 and 1.21 which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment to Deposit Account No. 04-0525.

Two duplicate copies of this sheet are enclosed.

Enclosures
MCH/alt


Michael C. Hlavaty
Reg. No. 27,446
Attorney for Applicant
c/o Deere & Company
One John Deere Place
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(309) 765-4232

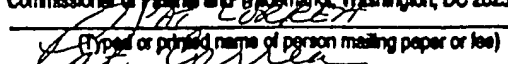
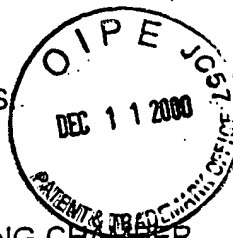
"Express Mail" mailing label number EL213164480US
Date of Deposit 19 June 2000
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231

(Type or printed name of person mailing paper or fee)
(Signature of person mailing paper or fee)

Exhibit 1

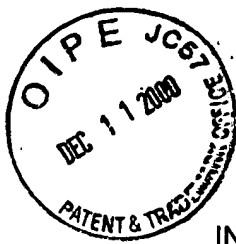


EL213164480US

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DECLARATION UNDER 37 C.F.R. §1.68

I, Vickie Jo Lowery, do declare and state as follows:

1. That since 04 February 1980, I have been employed by Deere & Co. in their mail center.

2. That since 02 January 1996 I have served as the Mail Service Coordinator in the Deere & Co. mail center.

3. That my duties as Mail Service Coordinator include the responsibility for collecting all mail from the Deere & Co. Administrative Center in Moline, IL, including Express Mail packages, and depositing that mail with the U.S. Postal Service.

4. That as part of my duties, I am responsible for the collection of Express Mail packages from the Deere & Co. Patent Department which are to be sent to the U.S. Patent & Trademark Office in Arlington Virginia, 22202, the certification that they are deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under the date indicated and that they are addressed to the Commissioner of Patents and Trademarks.

5. That as a further part of my duties, I supervise Patricia Joyce Correa, Senior Mail Clerk.

6. That as a part of her duties, Patricia Joyce Correa has the direct responsibility for certifying that Express Mail packages from the Deere & Co. Patent Department which are to be sent to the U.S. Patent & Trademark Office in Arlington Virginia, 22202, are deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under the date indicated, that they are addressed to the Commissioner of Patents and Trademarks and that they are deposited with the US Postal Service.

7. That on 19 June, 2000, the Deere & Co. Patent Department did provide me with a patent application, requesting that it be sent it to the U.S. Patent & Trademark Office in

Arlington Virginia, 22202. That patent application was put into an Express Mail envelope having an Express Mail Mailing Label identified by the tracking number **EL213164480US**. I have been informed by Deere & Co. patent attorney Michael C. Hlavaty, that that Patent application was assigned Application Serial Number 09/597,069 by the U.S. Patent & Trademark Office.

8. That in the course of preparing the Express Mail package including the Patent Application given Serial Number 09/597,069, Patricia Joyce Correa did sign and date the certification at the bottom left hand corner of the transmittal letter attesting to the fact that it was deposited by the Deere & Co. mail center with the US Postal Service on 19 June, 2000, See Exhibit A.

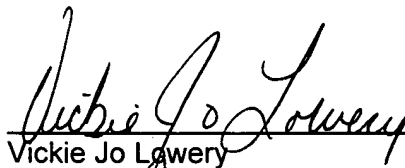
9. That the US Postal Service did not return to the Deere & Co. mail center the "Express Mail Mailing Label" for Express Mail package identified by the tracking number **EL213164480US** as they are obligated to do.

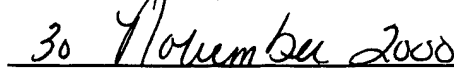
10. That Michael C. Hlavaty asked me to call the U.S. Postal Service and request a copy of the Express Mail Mailing Label identified by the tracking number **EL213164480US**.

11. That on 21 November 2000, I was informed by U.S. Postal Service representative Dominic Morano, of the Hawkeye District of the U.S. Postal Service in Des Moines, IA, (515--251-2344) that they did not have a copy of the Express Mail Mailing Label identified by the tracking number **EL213164480US**.

12. That on 14 November 2000, I checked the delivery status of the "Express Mail" package identified by the tracking number **EL213164480US** on the U.S. Postal Service Express Mail Tracking and Delivery confirmation web-site, <http://www.framed.usps.com/cgi-bin/cttgate/ontrack.cgi>, and learned that the "Express Mail" package identified by the tracking number **EL213164480US** was delivered on June 20 in Arlington VA, 22202, See Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this patent application or any patent issuing thereon.


Vickie Jo Lowery


Date